

# Workers' Compensation In Michigan

This one-day seminar is designed for human resource professionals, attorneys, safety directors, insurance claims representatives, occupational health nurses, business managers, benefits professionals, risk managers and rehabilitation specialists.

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**Marquette, MI**  
**May 25, 2006**

**David R. Campbell, M.A., CRC**  
*Michigan Department of Labor & Economic  
Growth Workers' Compensation Agency*

**James M. Rettig, J.D.**  
*Green, Weisse, Rettig, Rademacher, Clark &  
Bray, P.C.*

**Keith P. Theisen, J.D.**  
*Conklin, Benham, Ducey, Listman &  
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# Critical Issues On The Agenda

9:00 a.m. - 11:15 a.m.

(Break 10:30 a.m. - 10:45 a.m.)

— Keith P. Theisen, J.D.

## I. Claims Management

- A. Develop And Implement A Uniform Workers' Compensation Policy
- B. The Workers' Compensation Policy
- C. Accident Pack
- D. Medical Treatment
- E. Favored Work
- F. Documentation, Documentation, Documentation
- G. Promptly Report All Claims To Your Workers' Compensation Provider
- H. Red Flag Check List

## II. Favored Work (Reasonable Employment)

- A. Definition
- B. Reasons To Offer Favored Work
- C. Making An Offer Of Favored Work
- D. Unreasonable Refusal
- E. Resignation, Discharge And Discipline

## III. Work Avoidance

## IV. Recent Developments In Workers' Compensation

11:15 a.m. - 12:15 p.m.

— James M. Rettig, J.D.

## V. Theory

- A. Consumer Expense – Wood vs. Plastic
- B. The Original No-Fault – 1912
- C. Whole Person – Percentage Of Loss
- D. Wage Loss Theory
- E. Specific Loss

## VI. Injury Or Disease Out Of And In The Course Of Employment

## VII. Document The Injury And Disability

## VIII. Requirements For Workers' Disability Compensation Wage Loss

- A. Work-Related Injury
- B. Disability Is Wage loss
- C. Entitlement To Compensation If Not Reemployed
- D. Entitled To Compensation If Reemployed Earning Maximum Income
- E. Entitled To Wage Loss Compensation If Employed In Reasonable Employment At Less Than The Average Weekly Wage

## IX. Entitlement To Benefits

- A. Hernia – Must Be Recent
- B. Conditions Of Aging Process And Mental Disability
- C. Mental Disabilities Compensable When Arising Out Of Actual Events Of Employment, Not Unfounded Perceptions Thereof
- D. Subsequent Employment

## X. Exclusive Remedy With Exceptions

- A. Multiple Employers
- B. Not Compensated For Ridicule, Embarrassment, Humiliation, Pain And Suffering
- C. Discrimination Provision
- D. Claims Against Co-Employees
- E. Third-Party Cases

## XI. Specific Losses

## XII. Total And Permanent Disability

- A. Seven Categories Of Total And Permanent Disability
- B. Conclusive Presumption For Total And Permanent Disability
- C. Differential Benefits

## XIII. Wage Loss Benefits

- A. Average Weekly Wage
- B. Rate

12:15 p.m. - 1:15 p.m.

**Lunch (On Your Own)**

1:15 p.m. - 2:15 p.m.

— James M. Rettig, J.D.

## XIV. Medical Benefits

## XV. Death Benefits

## XVI. Rehabilitation

- A. Benefits
- B. Procedure To Resolve Disputes
- C. Medical Rehabilitation
- D. Certification Of Vocationally Handicapped

## XVII. Effect On Other Benefits

## XVIII. Coordination Of Benefits – MCL 418.354; MSA 17.237(354)

- A. Benefits That Reduce Workers' Compensation
- B. Exceptions

## XIX. Procedure

- A. Help
- B. Application For Mediation Or Hearing
- C. Small Claims
- D. Mediation
- E. Pre-Trial Conferences
- F. Trials
- G. Appeals

## XX. Settlements

- A. Voluntary Pay
- B. Redemption

## XXI. Tort Liability – Lawsuits

- A. Third-Party Cases – Negligence
- B. Employer Liability – Intentional Tort

2:15 p.m. - 4:15 p.m. (Break 3:00 p.m. - 3:15 p.m.)

— David R. Campbell, M.A., CRC

## XXII. Health Care Service Issues

- A. Billing
- B. Fee Schedule
- C. Mediating Disputes

## XXIII. Vocational Rehabilitation In Michigan Workers' Compensation

- A. When Should You Initiate VR Services?
- B. When To File For A Hearing
- C. Role Of The Counselor
- D. VR Statistics And Trends
- E. The Mediation Process

## XXIV. Disability Management Tools And Techniques

- A. Key Concepts And Tools For Success

4:15 p.m. - 4:30 p.m.

— David R. Campbell, M.A., CRC,

James M. Rettig, J.D., and

Keith P. Theisen, J.D.

## XXV. Questions And Answers For Panel

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# General Information

**Marquette, MI • May 25, 2006**

**Holiday Inn • 1951 U.S. 41 West**

**Registration: 8:30 a.m. - 9:00 a.m. • Session: 9:00 a.m. - 4:30 p.m.**

**Lunch Break: 12:15 p.m. - 1:15 p.m. (On Your Own)**

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**FACULTY:** Gordon S. Erley, CEBS, Humana Inc.; Janet M. Vermeulen, CEBS, AON Consulting; Lorise Wolf, Plastipak Packaging, Inc.; Lisa B. Zimmer, Esq., Honigman Miller Schwartz and Cohn LLP. ©2005. 220 pages.

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**FACULTY:** Rhonda H. Armstrong, Daniel G. Cohen, Robert C. Tice, Pilchak Cohen & Tice, P.C.; Bart M. Feinbaum. ©2005. 128 pages.

**ITEM:** 357509TMX  
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**HEALTH REIMBURSEMENT ACCOUNTS, HEALTH SAVINGS ACCOUNTS, SECTION 125 CAFETERIA PLANS AND COBRA** — What Is A Cafeteria Plan?; Constructive Receipt; What Benefits Can Be Offered?; Filing Requirements; Types Of Cafeteria Plans.

**FACULTY:** Joseph Priselac, Jr., P & A Administrative Services, Inc.; Patrick G. Reilly, Impact Benefits Solutions. ©2005. 200 pages.

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